

****E-filed 8/31/06****

William S. Klein, Esq. (SBN 121792)
wklein@hopkinscarley.com
 Robert A. Christopher (State Bar No. 89035)
rchristopher@hopkinscarley.com
 Tod C. Gurney (State Bar No. 199813)
tgurney@hopkinscarley.com
HOPKINS & CARLEY
 A Law Corporation
 The Letitia Building
 70 South First Street
 San Jose, CA 95113-2406
 Telephone: (408) 286-9800/ Fax: (408) 998-4790

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Case No: C 06-03359 JF

**STIPULATION AND [PROPOSED] ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE HEARING AND RELATED
F.R.C.P. 26(F) DEADLINES**

Defendant.

AND RELATED THIRD-PARTY COMPLAINT

Pursuant to Federal Rule of Civil Procedure (“FRCP”) 26 and Northern District Civil Local Rules 7-11 and 16-2(e), Plaintiff Dong Ah Tire & Rubber Co. (“Dong Ah”), and defendant Glasforms, Inc. (“Glasforms”), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, on May 22, 2006, Dong Ah filed the above-captioned case and this Court issued an Order Setting Initial Case Management Conference (“Initial CMC Order”) directing the parties to, among other things, do the following by August 25, 2006;

(a) complete initial disclosures pursuant to FRCP 26,

(b) file a Joint ADR Certification with Stipulation to ADR process or Notice of Need for ADR Conference; and

(c) appear for a case management conference;

WHEREAS, on May 25, 2006, Dong Ah moved to have the above-captioned case related to the case titled, *Glasforms, Inc. v. CTG International (North America), Inc., Taishan Fiberglass, Inc., et al.*, Case No. 06-00213-JF (the “Glasforms Case”) via an Administrative Motion to Consider Whether Cases Should be Related (“Administrative Motion”);

WHEREAS, the Court granted Dong Ah’s Administrative Motion on June 21, 2006;

WHEREAS, the Court has scheduled a case management conference in the Glasforms Case for October 6, 2006 at 10:30 a.m.;

WHEREAS, on July 26, 2006, the Court issued an Order (the “July 2006 Order”) moving the Case Management Conference to September 1, 2006, and directing the parties to file a Joint Case Management Conference Statement and complete FRCP 26 Initial Disclosures by August 25, 2006;

WHEREAS, on July 26, 2006, Glasforms filed a third-party complaint against CTG International (North America), Inc., an Indiana Corporation (“CTG”) and Taishan Fiberglass, Inc. (“Taishan”), a corporation organized under the laws of the People’s Republic of China, in the above-captioned case;

WHEREAS, Glasform’s served CTG with the summons and third-party complaint on or about August 11, 2006, but to date, CTG has not answered Glasform’s third-party complaint or otherwise appeared in this case;

WHEREAS, Glasforms has initiated the process of serving the summons and third-party complaint on Taishan in China, but service has not yet been effected;

WHEREAS, Dong Ah and Glasforms believe that good cause exists for a continuance of the case management conference in this case to October 6, 2006 at 10:30 a.m., the same date and time on which the case management conference in the Glasforms case is scheduled, with the related FRCP deadlines (e.g., initial disclosures and joint case management conference statement) continued accordingly;

WHEREAS, Dong Ah and Glasforms expect that CTG will have answered or otherwise appeared in this case by October 6, 2006; and

WHEREAS, based on the foregoing, Dong Ah and Glasforms, by and through their respective undersigned counsel, hereby agree and stipulate that the Initial Case Management Conference and related dates be continued as follows:

September 15, 2006 Last day to meet and confer regarding initial disclosures, early settlement, ADR process selection, and discovery plan. [FRCP 26(f); N.D. ADR L.R. 3-5]

September 29, 2006 Last day to file/serve Joint Case Management Conference Statement and FRCP 26(f) discovery plan report. [FRCP 16, N.D. L.R. 16-9]

Last day to file Joint ADR Certification with Stipulation to ADR process or Notice of need for ADR Phone Conference. [N.D. L.R. 16-8]

Last day to complete initial FRCP Rule 26(a)(1) disclosures of relevant documents and lists of witnesses or state objections in FRCP Rule 26(f) discovery plan report. [FRCP 26(a)(1)]

October 6, 2006 at 10:30 a.m. Initial Case Management Conference [N.D. L.R. 16-10]

IT IS SO STIPULATED.

Dated: August 24, 2006

NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP

By: /s/
ELAINE M. O'NEIL

Attorneys For Plaintiff,
DONG AH TIRE & RUBBER CO., LTD., A Korean
Corporation

///

SIGNATURES CONTINUED ON NEXT PAGE

1 Dated: August 24, 2006

HOPKINS & CARLEY

2
3 By: _____/s/_____
4 ROBERT A. CHRISTOPHER
5 Attorneys For Defendant
6 GLASFORMS, INC.

7 Pursuant to Stipulation, IT IS SO ORDERED.

8
9 Date: 8/31/06 _____

10 
11 U.S. DISTRICT COURT JUDGE
12 JEREMY FOGEL
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28